REMARKS

Reconsideration of this application is respectfully requested. Claims 1-14 are in this application and are presented for the Examiner's consideration in view of the following comments.

Claims 1, 2, 7, 8, 12, 13 and 14 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,535,717 issued March 18, 2003 to Matsushima et al. (*Matsushima*). Applicants still respectfully disagree.

Applicants incorporate by reference Applicants' arguments in Applicants' response filed on 20th September 2010. In addition, Applicants offer the following additional arguments.

In particular, *Matsushima* states:

> [t]he encoding means 5a compresses the high quality signal data having been subjected to the delaying means 4 and encodes the same. The encoding means 5b also compresses at least one low quality signal data generated from the low quality signal creating means 2 and encodes the same. When these encoding means compress data, there are employed an internationally standardized system of MPEG-1 or MPEG-2 or a system of MPEG-4 under the work of standardization or the like which is suitable for digital broadcasting system.
>
> *Matsushima*, col. 9, lns. 30-39; emphasis added.

First, as described above in *Matsushima*, the encoding means has two functions – one is compression and the other function is encoding the compressed signal. As for compression, *Matsushima* refers to various versions of MPEG. However, no statement is made in *Matsushima* that any encoder encodes a second signal representing the content using encoding relatively more robust than the encoding of the first encoded content representative signal as claimed by Applicants.

As such, there is respectfully simply no support in *Matsushima* for the Examiner's assertion that:

> *Matsushima* teaches the second encoder is more robust than the first encoder designed for compression of high resolution images.
>
> FINAL Office Action, p. 2.

Nowhere does *Matsushima* state than the second encoder is particularly designed for compression of a high resolution image. Respectfully, the Examiner is adding information to *Matsushima* that is simply not there. Indeed, even though Applicants' claims are directed to encoding of a signal, nowhere does *Matsushima* even state that the compression is different for a low quality signal then for a high quality signal. This is merely conjecture on the part of the Examiner.

Likewise, there is simply no support in *Matsushima* for the Examiner's assertion that:

> [t]he signal quality is factored into the compression of the image including the delay and multiplexing.
>
> FINAL Office Action, p. 2.

The only quality described in *Matsushima* is with respect to the signal itself before compression and encoding. (*Matsushima*, elements 1 and 2 of FIG. 5.) Nowhere does *Matsushima* state that "the signal quality is factored into the compression of the image including the delay and multiplexing" as asserted by the Examiner.

Finally, as stated in Applicants' prior response of filed on 20th September 2010, none of the passages cited by the Examiner in *Matsushima* support the Examiner's position. For example, col. 9, lns. 5-14, of *Matsushima*, states:

> [w]hen the transmitting means 3 transmits the high quality signal and the low quality signals, the transmitting means 3 delays the timing of transmission of the high quality signal with respect to the low quality signals, which are created from the same broadcasting digital data. Then, the transmitting means 3 multiplexes the plurality of channels of signals in terms of data arrangement. In order to accomplish the delay and multiplexing operation, the transmitting means 3 includes delaying means 4, encoding means 5a, 5b, and multiplexing communication means 10.
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> *Matsushima*, col. 9, lns. 5-14, emphasis added.

As underlined above, the encoding means of *Matsushima* has nothing to do with the quality of the signal and is simply a part of the delay and multiplexing operation. Likewise, col. 9, lns. 40-60, of *Matsushima*, states:

> [t]he multiplexing communication means 10 effects multiplexing operation on the high quality data generated from the encoding

> means 5a and at least one output from the encoding means 5b (actually a plurality of signals) of low quality data, inserts error correction code, modulates and transmits the resulting signal as a radio wave signal. In order to accomplish the above operation, the multiplexing communication means 10 includes a multiplexer (multiplexing means) for multiplexing a high quality data signal channel N-ch generated from the encoding means 5a and at least one low quality data signal channel group A-ch (A1-ch, A2-ch, . . . , An-ch) generated from the encoding means 5b, an error correction code inserting means 7 for carrying out interleave processing on data multiplexed by the multiplexer 6 and inserting an error correction code such as Viterbi code or Reed-Solomon code or the like, modulating means 8 for modulating signal data generated from the error correction code inserting means 7, frequency conversion amplifying means 9 for effecting up-converting on the signal modulated by the modulating means 8 and amplifies the same for transmission, and a parabolic antenna 50b for transmitting the modulated signal amplified for transmission.
>
> *Matsushima*, col. 9, lns. 40-60, emphasis added.

Again, this portion of *Matsushima* merely describes that encoder 5a generates high quality encoded data – but not because the encoding is more robust **but because encoder 5a receives the high quality data for encoding**, which is clearly shown in FIG. 5, of *Matsushima*. Indeed, there is no description, or suggestion, in *Matsushima*, that encoder 5a and encoder 5b perform different encoding as required by Applicants' claim 1.

Further, clear reference to FIG. 5, of *Matsushima*, shows that in terms of "quality", the low quality signal, e.g., with less resolution, is generated by element 2, in FIG. 5, of *Matsushima*, before application to the encoding means 5b. In fact, simply because encoding means 5b, of *Matsushima*, encodes a lower quality signal has no bearing on the encoding means of 5b being more, or less robust, compared to the encoding means of 5a. As such, the only thing that FIG. 5, of *Matsushima*, shows is that encoding means 5b encodes a lower quality signal. This does not translate into a lower quality encoding as suggested by the Examiner.

Similar comments apply to Applicants' remaining independent claims 8 and 13.

In view of the above, Applicants' independent claims 1, 8 and 13 are not anticipated by *Matsushima*. As such, dependent claims 2, 7, 12 and 14 are also in condition for allowance.

Claims 3-6 and 9-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of U.S. Patent Publication 2002/0181581 published December 5, 2002 to Birru et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 8.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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